THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 12

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte STEVEN R. SETTLES,
JOHN A. BARRS and
DARRELL J. KOLOMYSKI

_____

Appeal No. 95-3382
Application 07/967,465[1]

_____

ON BRIEF

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Before THOMAS, HAIRSTON and LEE, Administrative Patent Judges.

THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

[1] Application for patent filed October 26, 1992.

Appellants have appealed to the Board from the examiner's final rejection of claims 1 to 4, which constitute all the claims in the application.

Representative claim 1 is reproduced below:

1. A control system comprising:

a plurality of loads;

a drive for each load; and

switch means for operating each drive; characterized by:

means for providing a reference signal with a magnitude that is a function of a received reference control signal;

means for providing a sense signal indicating total current through the loads;

means for comparing the sense signal and said reference signal to produce a reset signal when the sense signal is at least as great as said reference signal;

means for producing first output signals that activate each drive simultaneously in response to a first control signal, for producing second output signals that activate each drive sequentially in response to a second control signal and for removing the first output in response to the reset signal;

signal processing means for providing said first control signal in response to operation of switch means, for providing said second control signal in response to said reset signal, for providing said reference control signal in response to said switch means, for controlling the magnitude of the reference signal as function of the drives that are operated by the switches based on stored parameters for each drive, and for disabling the second signal for a specific drive when the current to the drive exceeds the value stored for the drive.

The following reference is relied on by the examiner:

Melocik et al. (Melocik) 4,511,947 Apr. 16, 1985

Claims 1 to 4 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner relies upon Melocik alone.

Rather than repeat the positions of the appellants and the examiner, reference is made to the brief and answer for the respective details thereof.

OPINION

We reverse the above stated rejection of claims 1 to 4 under 35 U.S.C. § 103. We are in general agreement with the reasoning set forth by appellants in the brief including the position advocated at page 5 of the brief that Melocik does not find a faulty load and isolate it and then recompute the allowable current and that Melocik is not concerned with individually testing each load based on the stored current value for each respective load once it has been determined that the overall load current is too high as expressed at page 7 of the brief.

This above noted reasoning of appellants is consistent with the language of the last two clauses of independent claim 1 on appeal, the substance of which is expressed in slightly different form in independent method claim 4 on appeal.

In accordance with the normal operating sequences specified between columns 4 and 6 of Melocik, a common, total current

monitoring arrangement exists in Melocik to monitor the total current flow through the contactor coils. When the coil current becomes excessive either because of normal use or a short circuit in a contactor or contactors, the overall coil drivers 16 are disabled when the total sense current exceeds a given value. As expressed at col. 5, lines 38 through 47 and col. 6, lines 55 through 59, when excessive current flowing through the shunt resistors 94, 94' continues to exist, the multivibrator 100 repetitively toggles the NOR gates off for the preselected period of time in accordance with the normal operation of the multivibrator. This prevents the operation of the vehicle 120 in Fig. 3 and further damage to the overall control system 10.

Melocik contains no additional teachings required of the limitations of independent claim 1 on appeal once a fault is determined to sequentially activate each drive in turn up to the point of disabling the operation of the system when the specific drive exhibiting the over current condition is found and permanently disabled from the operation of the system. Independent claim 4 contains the additional feature of simultaneously activating the remaining drives after the drive or drives have been logically excluded when its over current

condition is discovered by the normal operation of the system testing procedures.

The teachings in Melocik, thus, significantly fall short of the requirements of independent claims 1 and 4 on appeal. The examiner's reasoning in the statement of the rejection and the responsive arguments portion of the answer appears to fall short of correlating the teachings of Melocik to respective independent claims 1 and 4 on appeal as to the noted features we have found deficient. Additionally, the examiner's reasoning in these portions of the answer appears to rationalize these limitations without offering any additional evidence or references to support the examiner's assertions. Brief page 8. Therefore, on the basis of the applied prior art, we must reverse the rejection of independent claims 1 and 4 on appeal as well as the respective rejection of dependent claims 2 and 3.

The decision of the examiner is reversed.

REVERSED

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JAMES D. THOMAS)

Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
JAMESON LEE	)	
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